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KYOCERA INTERNATIONAL INC.			DANIEL JR, WILLIE J	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

KII-USPatents@kyocera.com  
Kathleen.Connell@kyocera.com  
Stephanie.Tinsley@kyocera.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/848,070	FOK, KENNY K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	WILLIE J. DANIEL JR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 December 2010.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 50,51,54 and 56-60 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 50,51,54 and 56-60 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on 14 December 2010. **Claims 50-51, 54, and 56-60** are now pending in the present application and **claims 1-49, 52-53, 55, and 61-63** have been canceled. This office action is made **Final**.

### Claim Objections

2. **Claims 50 and 57** are objected to because of the following informalities:
  - a. Claim 50 recites the limitation "...**the** wireless **communication** device..." in line(s) 7, 9, 18, 20, & 23 of the claim. The Examiner interprets as --**the** wireless **communications** device-- (see claim 50, line(s) 1) and suggests replacing said limitation to have proper **antecedent** and help clarify the claim language.
  - b. Claim 57 recites the limitation "...**the** wireless **communication** device..." in line(s) 3, 6, 15, & 17 of the claim. The Examiner interprets as --**the** wireless **communications** device-- (see claim 57, line(s) 1-2) and suggests replacing said limitation to have proper **antecedent** and help clarify the claim language.

Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 50-51, 54, and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carey et al.** (hereinafter Carey) (US 6,714,793 B1) in view of **Applicant's Admitted Prior Art** (hereinafter AAPA) (Orig. Specification pgs. 6-7) and **Gudjonsson et al.** (hereinafter Gudjonsson) (US 6,564,261 B1).

Regarding **claim 50**, Carey discloses a system (20) for providing a mobile unit device (36) which reads on the claimed “wireless communications device” access to an instant messaging service on a data network (30), the instant messaging service communicating instant messages in an instant message format { (see col. 3, lines 18-49; Figs. 1 & 5-6), the system (20) } comprising:

a wireless mobile carriers (34) which reads on the claimed “wireless communication network” { (see col. 6, lines 26-32,52-60; col. 3, lines 45-49; col. 7, lines 19-29; Figs. 1, 5, 9-10, and 12) };

an active state, in which the wireless communication device (36) is powered up but is not connected to the wireless communication network (34) { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available. As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as

strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. };

a short message service (SMS) center (32) connected to the wireless network (34) (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5-6);

a IM routing system (22) which reads on the claimed “proxy server” having a first connection to the SMS center (32) and a second connection to a data network (30) { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5, and 6) },

the proxy server (22) for establishing a substitute proxy presence on the data network (30) for the wireless communications device (36) { (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5), where the user presence is established between networks },

the proxy server (22) for transmitting presence information to the instant messaging service { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6) },

after receiving login information associated with the instant message service, wherein the login information is communicated from the wireless communication device { (see col. 4, lines 15-22; Fig. 5) };

the proxy server (22) configured to maintain the presence information { (see col. 3, lines 19-22; col. 5, lines 8-16) },

the proxy server (22) for intercepting and storing an instant message addressed to the wireless communications device (36), when the wireless communication device (36) is in the active state { (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the

storing of instant messages. As a note, communication systems utilize a store and forward operation when a device is powered-on (or active) and has a condition such as out of communication range. }; and

the proxy server (22) configured to convert at least a portion of the intercepted instant message to a short message format, and that sends a converted message with the portion of the intercepted message to the wireless communications device (36) through the wireless network (34) via the SMS center (32) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined protocol to convert messages between instant message and short message service };

the proxy server (22) configured to convert an identifier (e.g., name, phone number, or address) of a sender of the intercepted instant message to a short message format and that sends the converted identifier of the sender to the wireless communications device (36) { (see col. 8, lines 19-21,32-40; col. 7, lines 12-22; col. 5, lines 43-50; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, and 9-10), where the server (24) uses a predefined protocol to convert messages between instant message and short message service in which the identifier (e.g., name, phone number, or address) is converted to the format of the message for destination delivery };

the proxy server configured to save the entire intercepted instant message for a period of time, wherein a data connection to connect to the proxy server enables viewing the entire intercepted instant message { (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages };

a plurality of traditional systems (42) which reads on the claimed “information handling systems” connected to the data network (30) and logged into the instant messaging service for sending and receiving the instant messages { (see col. 3, lines 18-34; col. 4, lines 6-11; Fig. 1) };

the wireless communications device configured to receive the portion of the intercepted instant message while the wireless communications device is in the active state and while no connection to the data network is active to minimize power consumption by the wireless communications device { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available, and the SMS center (32) exchange messages with a mobile unit device (36) without having a connection thereby allowing power saving since there is no continuous active connection (or link), and the server (24) uses a predefined protocol to convert messages between instant message and short message service (see col. 7, lines 12-22; col. 5, lines 37-43). As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. };

the proxy server (22) configured to receive a response short message from the wireless communications device (36) that is addressed to an information handling system of the plurality of information handling systems (42), converts the response short message to an instant message format response message, and sends the instant message response message to the information handling system (42) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66;

Figs. 1 and 6-7 }. Carey does not specifically disclose having the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless communications device is minimized; and maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network.

However, the examiner maintains that the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; and so that power consumption by the wireless communications device is minimized was well known in the art, as taught by AAPA.

As further support in the same field of endeavor, AAPA discloses the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; and so that power consumption by the wireless communications device is minimized { (see pg. 6, line(s) 8 & 18-19; pg. 6, line 22 - pg. 7, line 1), where the processor (102) and battery (108) are standard devices for a wireless communication device (100) and the processor (102) and battery (108) are connected via standard power conditioning and control circuitry for regulating power consumption }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Carey, Gudjonsson, and AAPA to have the feature(s) a battery associated with the wireless communications device, in which a processor

associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; and so that power consumption by the wireless communications device is minimized, in order to provide power conditioning, as taught by AAPA. The combination of Carey and AAPA does not specifically disclose having the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network. However, the examiner maintains that the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network was well known in the art, as taught by Gudjonsson.

In the same field of endeavor, Gudjonsson discloses the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network { (see col. 2, lines 20-22; col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, and 21), where the system uses proxy server (21, 23) to communicate between short text message (i.e., instant message) and SMS and to provide connection and status (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). In addition, Gudjonsson at the least further discloses the feature the proxy server configured to maintain the presence information (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Furthermore, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in

which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system.  
}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey and Gudjonsson to have the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network, in order to provide user with a simple and secure way of establishing arbitrary communications with other users or services, as taught by Gudjonsson (see col. 7, lines 39-42).

Regarding **claim 51**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server notifies the SMS center (32) that the instant message addressed to the wireless communications device (36) has been received { (see col. 7, lines 8-18; Fig. 6) }.

Regarding **claim 54**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 52), in addition Carey further discloses the system of claim 50, wherein the SMS center (32) stores the converted message { (see col. 7, lines 27-29; Fig. 7 “ref. 172”) }.

Regarding **claim 56**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server (22) receives an indication that the wireless communications device (36) is in an inactive state, and wherein the proxy server removes the

substitute proxy presence upon receipt of the indication that the wireless communications device (36) in the inactive state { (see col. 7, lines 44-64; col. 8, line 61 - col. 9, line 5; Figs. 7 “ref. 174”, 12) }.

**Claims 57-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carey et al.** (hereinafter Carey) (**US 6,714,793 B1**) in view of **Applicant’s Admitted Prior Art** (hereinafter AAPA) (Orig. Specification pgs. 6-7), **Gudjonsson et al.** (hereinafter Gudjonsson) (**US 6,564,261 B1**), and **Polychronidis et al.** (hereinafter Polychronidis) (**US 2003/0018704 A1**).

Regarding **claim 57**, Carey discloses a method for providing a wireless communications device (36) access to an instant messaging service connected to a data network (30) { (see col. 3, lines 18-49; Figs. 1 & 5-6) }, the method comprising the steps of: communicating an active state an active state, in which the wireless communication device (36) is powered up but not connected to the wireless communication network (34), from the wireless communications device to a wireless network, wherein the wireless network is connected to a short messaging service (SMS) center, the SMS center is connected to a proxy server (22), and the proxy server (22) is connected to the data network (30) { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available. As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there

is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. } ;

transmitting presence information from the proxy server (22) to the instant messaging service, after receiving login information associated with the instant message service, wherein the login information is communicated from the wireless communication device { (see col. 4, lines 15-22; Fig. 5) };

the proxy server (22) configured to maintain the presence information { (see col. 3, lines 19-22; col. 5, lines 8-16), where the user presence is established between networks (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5) },

the proxy server (22) configured to maintain the presence information as long as the wireless communications device remains in the active message state status { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6) }; and

the proxy server (22) configured to convert at least a portion of the intercepted instant message to a short message format, and that sends a converted message with the portion of the intercepted message to the wireless communications device (36) through the wireless network (34) via the SMS center (32) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined protocol to convert messages between instant message and short message service };

the proxy server (22) converting an identifier (e.g., name, phone number, or address) of the sender of the at least one instant message from the instant message format to SMS format, and sending the converted identifier (e.g., name, phone number, or address) to the wireless communications device (36) { (see col. 7, lines 12-22; col. 5, lines 43-50; col. 8,

lines 19-21,32-40; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, & 9-10), where the server (24) uses a predefined protocol to convert messages between instant message and short message service in which the identifier (e.g., name, phone number, or address) is converted to the format of the message for destination delivery };

the proxy server configured to save the entire intercepted instant message for a period of time, wherein a data connection to connect to the proxy server enables viewing the entire intercepted instant message { (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages };

the proxy server (22) intercepting and storing at least one instant message intended for the wireless communications device (36) { (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages };

the wireless communications device configured to receive the portion of the intercepted instant message while the wireless device is in the active state to minimize power consumption by the wireless communications device and while no connection to the data network is active to minimize power consumption by the wireless communications device { (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available, and the SMS center (32) exchange messages with a mobile unit device (36) without having a connection thereby allowing power saving since there is no continuous active connection (or link), and the server (24) uses a predefined protocol to convert messages between instant message and short message service

(see col. 7, lines 12-22; col. 5, lines 37-43). As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. }. {As a note, Carey further teaches the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5) }. ; and the wireless communications device (36) sending a response message transmitted in short message service format to the proxy server (22) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) }; and the proxy server (22) converting the response message to instant message format and transmitting the converted response message over the data network (30) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) }. Carey does not specifically disclose having the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and that can control and monitor the discharge state of the battery; so that power consumption by the wireless communications device; even when a data connection does not exist between the wireless communication device and the wireless network; and the proxy server determining that the wireless communications device is in the active state if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device.

However, the examiner maintains that the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and that can control and monitor the discharge state of the battery; so that power consumption by the wireless communications device was well known in the art, as taught by AAPA.

As further support in the same field of endeavor, AAPA discloses the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and that can control and monitor the discharge state of the battery; so that power consumption by the wireless communications device { (see pg. 6, line(s) 8 & 18-19; pg. 6, line 22 - pg. 7, line 1), where the processor (102) and battery (108) are standard devices for a wireless communication device (100) and the processor (102) and battery (108) connected via standard power conditioning and control circuitry for regulating power consumption }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Carey, Gudjonsson, and AAPA to have the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and that can control and monitor the discharge state of the battery; so that power consumption by the wireless communications device, in order to provide power conditioning, as taught by AAPA. The combination of Carey and AAPA does not specifically disclose having the features maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network; the proxy server determining that the wireless communications device is in the active state if the wireless communications device is responsive to a special SMS message

that is periodically sent by the proxy server to the wireless communications device.

However, the examiner maintains that the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network was well known in the art, as taught by Gudjonsson.

In the same field of endeavor, Gudjonsson discloses the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network { (see col. 2, lines 20-22; col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, and 21), where the system uses proxy server (21, 23) to communicate between short text message (i.e., instant message) and SMS and to provide connection and status (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25;56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Also, Gudjonsson further teaches the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device (see col. 2, lines 20-22). In addition, Gudjonsson at the least further discloses the feature the proxy server configured to maintain the presence information (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Furthermore, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as

strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey, AAPA, and Gudjonsson to have the feature maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network, in order to provide user with a simple and secure way of establishing arbitrary communications with other users or services, as taught by Gudjonsson (see col. 7, lines 39-42). The combination of Carey, AAPA, and Gudjonsson does not specifically disclose having the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device. However, the examiner maintains that the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device was well known in the art, as taught by Polychronidis.

As further support in the same field of endeavor, Polychronidis discloses the feature the proxy server determining that the wireless communications device (e.g., mobile device 22) is in the active message state status if the wireless communications device is responsive to a special SMS message (e.g., probe) that is periodically sent by the proxy server to the wireless communications device { (see pg. 3, [0034-0035, 0037]; pg. 4, [0050]; Figs. 2 and

4), where the active communication state is indicated when the device (22) is powered up which registers with the network (26) and the status is monitored. As a note, Polychronidis further discloses the feature the proxy server configured to maintain presence information even when a data connection does not exist between the wireless communication device and the wireless network (26, 43) (see pg. 3, [0034-0035, 0037]; pg. 4, [0050]; Figs. 2 and 4), where the system is aware of the mobile device presence and location in the network for communication even though no data connection is established for exchanging communication messages. }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey, AAPA, Gudjonsson, and Polychronidis to have the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device, in order to have a network presence and location agent which acquires presence and location information about multiple mobile devices operating on a network from an entity on the wireless network, as taught by Polychronidis (see pg. 1, [0005]).

Regarding **claim 58**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis discloses every limitation claimed, as applied above (see claim 57), in addition Carey further discloses the method of claim 57 further comprising the steps of:  
the proxy server (22) converting at least a portion of the at least one instant message to short message service (SMS) format { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs.

1 and 6-7), where the server (24) uses a predefined to protocol to convert messages between instant message and short message service };

    sending the converted message to the SMS center (32) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined to protocol to convert messages between instant message and short message service };

    the SMS center (32) sending the converted message to the wireless network (34) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) };

    the wireless network (34) delivering the converted message to the wireless communications device (36) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) }.

Regarding **claim 59**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis discloses every limitation claimed, as applied above (see claim 57), in addition Carey further discloses the method of claim 57, further comprising the step of:

    the proxy server (22) notifying the wireless communications device (36) through the SMS center (32) and the wireless network (34) that the at least one instant message has been received { (see col. 7, lines 8-18; Fig. 6) }.

Regarding **claim 60**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis discloses every limitation claimed, as applied above (see claim 59), in addition Carey further discloses the method of claim 59, wherein the step of notifying comprises the steps of:

the proxy server (22) converting at least a portion of the at least one instant message from instant message format to short message service (SMS) format { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) }; and

sending the converted message to the wireless communications device through the SMS center (32) { (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7) }.

### **Response to Arguments**

4. Applicant's arguments with respect to claims 50-51, 54, and 56-60 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 50 on pg. 9, 4<sup>th</sup> full paragraph, "...none...support converting the identifier of a sender of the intercepted instant message and sending the converted identifier to the wireless communication device...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the teachings of well-known prior art Carey, AAPA, and Gudjonsson that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Carey discloses the language as related to the claimed feature(s) the proxy server (22) configured to convert an identifier (e.g., name, phone number, or address) of a sender of the intercepted instant message to a short message format and that sends the converted identifier of the sender to the wireless communications device (36) { (see col. 8, lines 19-21,32-40; col. 7, lines 12-22; col. 5, lines 43-50; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, and 9-10), where the server (24) uses a predefined protocol to convert messages between instant message and short message service in which the identifier (e.g., name, phone number, or address) is converted (or reformatted) to the format of the message for destination delivery in which one of ordinary skill in the art would clearly recognize that messages have a source identifier and destination identifier that is converted for communication interoperability between instant message and short message service }. Therefore, the reference Carey as well as the combination(s) of prior art common knowledge more than adequately meets the claim limitations.

6. Regarding applicant's argument(s) of claims 51, 54, and 56, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection.

### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Andrus et al. (US 6,807,437 B1) discloses a wireless communication apparatus for portable electronic devices. Andrus at the least further discloses one of the functions of the **proxy server** is to **perform operations** over the internet **on behalf** of the portable computer system... (see col. 8, lines 55-60; Fig. 5).
  - b. Gustafsson (US 6,424,841 B1) discloses a short message service with improved utilization of available bandwidth. In addition, Gustafsson further discloses that a **gateway server** is a **proxy server** (see col. 10, lines 1-10; col. 6, lines 28-39). Wireless client device is coupled to a proxy server device and a short message service (SMS) server through an airnet. Airnet can, for example, be a GSM network. Short message service (SMS) server acts as a bridge between the proxy server and the wireless client device (see col. 10, lines 1-10).
  - c. Chen et al. (US 7,020,685 B1) discloses a method and apparatus for providing internet content to SMS-based wireless devices. In addition, Chen the communication path between wireless device and network servers include a wireless communication network, a proxy server, and a land-based network (see col. 4, lines 7-10; Fig. 1). Note that the communication between wireless device and proxy server is via the carrier infrastructure which includes SMSC (see col. 6, lines 8-11; Fig. 1). Chen further describes the proxy server acting on behalf of the wireless device (see col. 6, lines 15-18).

8.        Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

      A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.        Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

      Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willie J. Daniel, Jr./  
Examiner, Art Unit 2617

WJD,Jr  
20 February 2011

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617